



February 23, 2011

***Via Electronic filing***

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

Re: Written Ex Parte Communication, WC Docket 07-245

Dear Ms. Dortch:

FiberLight is a provider of high performance fiber optic network services for enterprise, government and the wholesale telecommunications market. FiberLight delivers broadband solutions over a diverse optical ring typology network encompassing more than 500,000 miles of fiber optic cable which it builds, owns, and monitors on a 24-hours a day basis 365 days a year. FiberLight currently provides services in numerous markets on the East Coast as well as in Texas.

In this proceeding, the Commission is considering adopting a timeline for the issuance of pole attachment licenses. FiberLight strongly urges the Commission to adopt a timeline similar to that proposed by the Commission in order to address the issues which have significantly delayed the deployment of FiberLight's network in many of the markets in which it operates. In many instances, FiberLight has decided not to serve a market because of the likelihood of significant delays in obtaining the necessary pole attachment licenses. In FiberLight's experience, utilities often drag the pole license attachment application process out to the point where FiberLight has no choice but to forego seeking such attachments. For example, past applications with Progress Energy in the Clearwater/St Pete area took over 6 months just to get a reply back on the first set of applications and the make ready took over a year to complete on their poles to assure FiberLight had space. TECO in Tampa delayed FiberLight's construction for months waiting on TECO engineers to respond to FiberLight's applications, which responses took anywhere from 4-7 months on average, and then another 3-4 months making the poles ready for FiberLight to attach. FiberLight has had similar delays in Maryland, Virginia, Texas and Georgia. Georgia Southern in the Roswell area took 6 months to respond to a hand full of pole attachment applications delaying FiberLight's project by over 8 months.

FiberLight cannot wait a year or more to receive pole attachment licenses. Customers will not wait that long for service; nor should they have to. Moreover, in many markets there is no certainty when a pole attachment license will finally be issued. As the Commission is aware, it

is a sure recipe for disaster to promise customers a date for delivery and miss by a wide margin because a utility drags the pole attachment process out far longer than necessary.

If the Commission adopts a timeline for the issuance of pole attachment licenses, FiberLight will begin serving many markets where FiberLight does not even seek to provide broadband services today. And, as a result, much needed competition and affordable services will come to those markets, and the public will thereby greatly benefit. Because FiberLight builds and owns its own networks, numerous construction and maintenance jobs will be created by the construction of network in new markets. With a pole attachment timeline in place consistent with that proposed by the Commission, FiberLight would be able to provide between 4-5 times as many construction projects thus creating more jobs and serving more areas.

In addition to adopting a timeline, the Commission must also ensure that contractors hired by the attacher (assuming they meet certain criteria) may be used to complete the survey or make-ready work if the utility fails to meet the deadline. Unless such qualified contractors can be used under the rules, the timeline will not be effective because a provider will still need to spend months and significant revenue in a Commission or court proceeding battling the utility. This will lead to more delays and discourage providers from seeking attachments in the first place. Providers need to spend their time and money delivering broadband to the public, not litigating against utilities.

Finally, it is critical that the Commission also refuse to adopt loopholes that will negate the effectiveness of these rules. In their comments, utilities have requested that the Commission adopt exceptions to the timeline or suspend the timeline in virtually every instance imaginable. But if the deadline is easy to avoid through exceptions that effectively swallow the rule, the deadline will lack the teeth needed to accomplish its intended effect: to help ensure that affordable, competitive broadband services are available quickly and on a cost-effective basis in markets throughout the country.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael P. Miller".

Michael P. Miller  
CEO/Founder  
MPM/ch

cc: Sharon Gillett  
William Dever  
Jeremy Miller  
Jonathan Reel  
Wesley Platt